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Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/687,366
Filing Date: October 15, 2003
Appellant(s): RAZZA ET AL.

Paul M. McGinley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/14/2010 appealing from the Office action mailed 01/19/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-9, 11-20, 29-30 and 32-41

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2004/0078252	Daughtrey et al.	04-2004
6,304,850	Keller et al.	10-2001
2001/0034625 A1	Kwoh	10-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-6, 9, 11-16, 19-20, 29-30 and 32-41 rejected under 35 U.S.C. 103(a) as being unpatentable over Daughtrey et al. US Pre Grant Publication No. 2004/0078252 A1 in view of Kwoh et al U.S. Pre-Grant Publication No. 2001/0034625 A1.

3. As per Claims 1 and 29, Daughtrey teaches simultaneously providing a plurality of flexible date search options to a user with a server (see Fig. 2 and para. 31); one of the plurality of flexible date search options comprising performing a search based on a user entered trip date interval and a user entered trip length, the user entered trip date interval comprising a user entered departure date (see Fig. 2)

receiving a search option selection from the user via a network (see Fig. 2 and para. 32 lines 11-13);

requesting travel date information from the user based on the search option selection; receiving the travel date information from the user via the network (see para. 37); determining all pairs of departure dates and return dates that satisfy the flexible travel requirements travel date information with an application server (see para. 34 lines 3-5; Fig. 2 and para. 35 lines 1-3); and identifying and displaying fares for itineraries corresponding to each of the departure date and return date pairs with a search engine (see para. 46; para. 45 lines 1-5 and Figs. 4 & 5) ***and search means for identifying itineraries corresponding to said date pairs*** (see para. 35 lines 1-10); and displaying the fares on a display (see Figs. 4-5).

While Daugherty teaches a the user entered trip date interval comprising user departure date, Daugherty does not explicitly teach the user entered trip date interval comprising a user entered return date. Kwoh teaches a user entering a return date for the purposes of searching for a flight (see para. 48). One of ordinary skill in the art at the time of invention would have found it obvious and recognized that a user entering a return date would have yielded predictable results. i.e. providing search parameters for a travel search as described in Daughtrey para. 25. While Daughtrey in view of Kwoh teaches the departure date and the trip length is equal to the return date (see Fig. 2-3), Daughtrey does not explicitly teach wherein the user entered trip length is less than a period of time between the user entered departure date and the user entered return date; However, it would have been prima facie obvious to one of ordinary skill in the art

at the time of invention to teach wherein the user entered trip length is less than a period of time between the user entered departure date and the user entered return date because it is not inventive to discover the optimum or workable ranges where the general conditions of a claim are disclosed in the prior art. *In re Aller,* 220 F.2d 454, 456, 105 USPQ 233,235 (CCPA 1955). Furthermore, Applicant has not persuasively demonstrated the criticality of the user entered trip length is less than a period of time between the user entered departure date and the user entered return date versus the departure date and the trip length being equal to the return date taught in Daughtrey in view of Kwoh; see MPEP 2144.05.

4. As per Claim 2, Daughtrey in view of Kwoh teaches the method of claim 1 as described above. Daughtrey further teaches wherein the itineraries are air travel itineraries (see para. 22 lines 3-6).

5. As per Claim 3, Daughtrey in view of Kwoh teaches the method of claim 1 as described above. Daughtrey further teaches wherein travel date information comprises a date interval during which a weekend trip is desired (see para. 33 lines 1-7).

6. As per Claim 4, Daughtrey in view of Kwoh teaches the method of claim 3 as described above. Daughtrey further teaches wherein a weekend trip is defined as a Thursday, Friday or Saturday departure and a Sunday, Monday or Tuesday return (see para. 33 lines 2-5, Examiner interpreting a Friday or Saturday departure with a stay of 1 or 2 nights as having a Sunday, Monday or Tuesday return).

7. As per Claim 5, Daughtrey in view of Kwoh teaches the method of claim 4 as described above. Daughtrey further teaches wherein the step of determining all pairs of

departure dates and return dates comprises identifying all weekends that occur during the date interval, and pairing each possible departure date associated with each possible return date for the corresponding weekend for each weekend that occurs within the date interval (see para. 37 lines 1-4; para. 46 and Fig. 4).

8. As per Claim 6, Daughtrey in view of Kwoh teaches the method of claim 5 as described above. Daughtrey further teaches wherein the date interval comprises a calendar month (see Fig. 4 and para. 33 lines 10-18).

9. As per Claim 9, Daughtrey in view of Kwoh teaches the method of claim 1 as described above. Daughtrey further teaches wherein travel date information comprises said user entered trip date interval and said user entered trip length (see para. 25 lines 1-5; para. 31 lines 5-15 and Fig. 2).

10. As per Claim 11, Daughtrey in view of Kwoh teaches the method of claim 9 as described above. Daughtrey further teaches wherein said user entered trip length is expressed as a numerical value or a numerical range setting forth the desired length of the trip in days (see para. 33 lines 2-5 and 12-18 and Fig. 2).

11. As per Claim 12, Daughtrey teaches the method of claim 9 as described above. Daughtrey further teaches determining all possible departure dates and all possible return dates within the trip date interval that encompasses a trip of the received trip length and pairing each possible departure date with each possible return date (see para. 35 lines 1-16 and para. 36).

12. As per Claim 13, Daughtrey teaches simultaneously providing a plurality of flexible date search options to a user with a web server (see Fig. 2 and para. 31); one of

the plurality of flexible date search options comprising performing a search based on a user entered trip date interval and a user entered trip length, the user entered trip date interval comprising a user entered departure date (see Fig. 2)

receiving a search option selection from the user via a network (see Fig. 2 and para. 32 lines 11-13);

requesting travel date information from the user based on the search option selection;

receiving the travel date information from the user via a network (see para. 37);

identifying one or more departure dates and one or more return dates based on the travel date information with an application server (see para. 37-38), where at least one of said one or more departure date and said one or more return dates comprises more than one date (see para. 25; para. 30 and Fig. 2);

identifying a plurality of date pairs with the application server, each date pair comprising one of said one or more departure dates and one of said one or more return dates (see para. 34 lines 3-5; Fig. 2 and para. 35 lines 1-3);

searching for fares for itineraries corresponding to each date pair with a search engine; and displaying said fares on a display (see para. 35 lines 3-10; para. 46; para. 47 lines 1-5 and Figs. 4 & 5).

While Daugherty teaches a user departure date, Daugherty does not explicitly teach a user entered return date. Kwoh teaches a user entering a return date for the purposes of searching for a flight (see para. 48). One of ordinary skill in the art at the time of invention would have found it obvious and recognized that a user entering a return date would have yielded predictable results. i.e. providing search parameters for a travel

search as described in Daughtrey para. 25. While Daughtrey in view of Kwoh teaches the departure date and the trip length is equal to the return date (see Fig. 2-3), Daughtrey does not explicitly teach wherein the user entered trip length is less than a period of time between the user entered departure date and the user entered return date; However, it would have been prima facie obvious to one of ordinary skill in the art at the time of invention to teach wherein the user entered trip length is less than a period of time between the user entered departure date and the user entered return date because it is not inventive to discover the optimum or workable ranges where the general conditions of a claim are disclosed in the prior art. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233,235 (CCPA 1955). Furthermore, Applicant has not persuasively demonstrated the criticality of the user entered trip length is less than a period of time between the user entered departure date and the user entered return date versus the departure date and the trip length being equal to the return date taught in Daughtrey in view of Kwoh; see MPEP 2144.05.

13. As per Claim 14, Daughtrey in view of Kwoh teaches the method of claim 13 as described above. Daughtrey further teaches wherein the step of identifying one or more departure dates and one or more return dates further comprises identifying every weekend within a defined date range, and identifying at least one departure date and at least one return date for each weekend (see para. 35 lines 7-10; para. 37 lines 1-6; para. 46 and Figs. 4 & 5).

14. As per Claim 15, Daughtrey in view of Kwoh teaches the method of claim 14 as described above. Daughtrey further teaches identifying at least one departure date

corresponding to at least one of Thursday, Friday and Saturday of each weekend within said defined date range and identifying at least one return date corresponding to at least one of Sunday, Monday and Tuesday for each weekend within said defined date range (see para. 33 lines 2-5, Examiner is interpreting a Friday or Saturday departure with a stay of 1 or 2 nights as having a Sunday, Monday or Tuesday return).

15. As per Claim 16, Daughtrey in view of Kwoh teaches the method of claim 14 as described above. Daughtrey further teaches wherein said defined date range is a calendar month (see para. 33 lines 12-18 and para. 34 lines 3-5).

16. As per Claim 19, Daughtrey in view of Kwoh teaches the method of claim 13 as described above. Daughtrey further teaches wherein the step of identifying one or more departure dates and one or more return dates includes receiving a date range for a trip and receiving a specified trip length (see para. 25 lines 2-5; para. 31 lines 5-15 and Fig. 2), wherein the one or more departure dates are identified as every departure date within said date range which can accommodate a trip of the specified trip length within said date range (see para. 25 lines 2-5 and para. 31 lines 5-12).

17. As per Claim 20, Daughtrey in view of Kwoh teaches the method of claim 13 as described above. Daughtrey further teaches receiving a date range and receiving a specified trip length (see para. 25 lines 2-5; para. 31 lines 5-15 and Fig. 2), wherein the one or more return dates are identified as every return date within said date range which can accommodate a trip of the specified trip length within said date range (see para. 25 lines 2-5 and Figs. 4 & 5).

18. As per Claim 30, Daughtrey teaches receiving travel date information from the user via a network (see para. 22 and para. 24); the travel date information comprising a trip date range (see Fig. 2, Examiner is interpreting October 10-Oct 17 as a range), the trip date range comprising a user specified earliest departure date (see para. 31 and Fig. 2), and a trip length (see Fig. 2);
determining all pairs of departure dates and return dates that satisfy the travel date information with an application server (see para. 25 and para. 35);
and identifying and displaying fares for itineraries corresponding to each of the departure date and return date pairs with a search engine (see para. 35 and 37);
displaying the fares on a display (see Fig. 3-4) While Daugherty teaches a the user entered trip date interval comprising user departure date, Daugherty does not explicitly teach the user entered trip date interval comprising a user entered return date. Kwoh teaches a user entering a return date for the purposes of searching for a flight (see para. 48). One of ordinary skill in the art at the time of invention would have found it obvious and recognized that a user entering a return date would have yielded predictable results. i.e. providing search parameters for a travel search as described in Daughtrey para. 25. While Daughtrey in view of Kwoh teaches the departure date and the trip length is equal to the return date (see Fig. 2-3), Daughtrey does not explicitly teach wherein the user entered trip length is less the trip date range; However, it would have been prima facie obvious to one of ordinary skill in the art at the time of invention to teach the user entered trip length is less the trip date range because it is not inventive to discover the optimum or workable ranges where the general conditions of a claim are

disclosed in the prior art. *In re Aller,* 220 F.2d 454, 456, 105 USPQ 233,235 (CCPA 1955). Furthermore, Applicant has not persuasively demonstrated the criticality of the user entered trip length is less the trip date range date versus the departure date and the trip length being equal to the return date taught in Daughtrey in view of Kwoh; see MPEP 2144.05.

19. As per Claim 32, Daughtrey in view of Kwoh teaches the method of claim 30 as described above. Daughtrey further teaches wherein said trip length is expressed as a numerical value or a numerical range setting forth the desired length of the trip in days (see Fig. 2)

20. As per Claim 33, Daughtrey in view of Kwoh teaches the method of claim 30 as described above. Daughtrey further teaches determining all possible departure dates and all possible return dates within the trip date range that encompass a trip of the received trip length;

21. As per Claim 34, 37 and 40, Daughtrey teaches the method of claim 13 as described above. Daughtrey further teaches wherein, when said user entered trip length is expressed as a numerical range (see Fig. 2), said numerical range comprises a minimum period of time and a maximum period of time (see Fig. 2). While Daughtrey in view of Kwoh teaches the departure date and the trip length is equal to the return date (see Fig. 2-3), Daughtrey does not explicitly teach wherein the minimum period of time of the numerical range is less than said period of time between the user entered departure date and the user entered return date; however, it would have been prima facie obvious to one of ordinary skill in the art at the time of invention to teach wherein

the minimum period of time of the numerical range is less than said period of time between the user entered departure date and the user entered return date. because it is not inventive to discover the optimum or workable ranges where the general conditions of a claim are disclosed in the prior art. *In re Aller,* 220 F.2d 454, 456, 105 USPQ 233,235 (CCPA 1955). Furthermore, Applicant has not persuasively demonstrated the criticality wherein the minimum period of time of the numerical range is less than said period of time between the user entered departure date and the user entered return date versus the departure date and the trip length being equal to the return date taught in Daughtrey in view of Kwoh; see MPEP 2144.05.

22. As per Claim 35 and 38, Daughtrey in view of Kwoh teaches the method of claim 1 as described above. Daughtrey further teaches wherein travel date information comprises said user entered trip date interval and said user entered trip length (see para. 25 lines 1-5; para. 31 lines 5-15 and Fig. 2).

23. As per Claim 36 and 39, Daughtrey teaches the method of claim 13 as described above. Daughtrey further teaches wherein said user entered trip length is expressed as a numerical value or a numerical range setting forth the desired length of the trip in days (see Fig. 2).

24. As per Claim 41, Daughtrey teaches the method of claim 13 as described above. Daughtrey further teaches wherein, when said user entered trip length is expressed as a numerical range (see Fig. 2), said numerical range comprises a minimum period of time and a maximum period of time (see Fig. 2). While Daughtrey in view of Kwoh teaches the departure date and the trip length is equal to the return date (see Fig. 2-3),

Daughtrey does not explicitly teach wherein the minimum period of time of the numerical range is less than said trip date range; however, it would have been prima facie obvious to one of ordinary skill in the art at the time of invention to teach wherein the minimum period of time of the numerical range is less than said trip date range because it is not inventive to discover the optimum or workable ranges where the general conditions of a claim are disclosed in the prior art. *In re Aller,* 220 F.2d 454, 456, 105 USPQ 233,235 (CCPA 1955). Furthermore, Applicant has not persuasively demonstrated the criticality of wherein the minimum period of time of the numerical range is less than said trip date range versus the departure date and the trip length being equal to the return date taught in Daughtrey in view of Kwoh; see MPEP 2144.05.

25. Claims 7-8 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daughtrey et al. US Pre-Grant Publication No. 2004/0078252 A1 in view of Kwoh et al U.S. Pre-Grant Publication No. 2001/0034625 A1 in further view of Keller et al. U.S. Patent No. 6,304,850 B1.

26. As per Claim 7, Daughtrey teaches the method of claim 1 as described above. Daughtrey further teaches, receiving a desired departure date, a desired return date (see para. 25 lines 2-5 and Fig. 2); Daughtrey does not explicitly teach and at least one of a specified number of days preceding said desired departure date, a specified number of days following said departure date; a specified number of days preceding said desired return date, and a specified number of days following said desired return date. Keller teaches, at step 105, the user may indicate whether her travel plans are flexible, such that the user may depart or return from one to three days before or after

the entered travel dates. If the user's plans are flexible, the user will indicate whether the flexibility is respect to the date of departure or date of return, and will indicate the number of days either before or after the inputted date of travel. (see Col. 3 lines 21-30). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Daughtrey to include receiving at least one of a specified number of days preceding said desired departure date, a specified number of days following said departure date; a specified number of days preceding said desired return date, and a specified number of days following said desired return date in order to allow a user to enter the level of flexibility in their plans, as taught in Keller Col. 3 lines 1-3.

27. As per Claim 8, Daughtrey teaches the method of claim 1 as described above. Daughtrey further teaches wherein the step of determining all pairs of departure and return dates satisfying said flexible travel requirements comprises identifying all possible departure dates based on the desired departure date and the specified number of acceptable days preceding the desired departure date and the number of acceptable travel days following said desired departure date; identifying all possible return dates based on the desired return date and the specified number of acceptable travel days preceding the desired return date and the number of acceptable travel days following the desired return date; and pairing each possible departure date with each possible return date. Keller teaches, at step 105, the user may indicate whether her travel plans are flexible, such that the user may depart or return from one to three days before or after the entered travel dates. If the user's plans are flexible, the user will indicate

whether the flexibility is respect to the date of departure or date of return, and will indicate the number of days either before or after the inputted date of travel. If the user is not flexible, the user will enter "not flexible" in the appropriate line on the web page. and at step 107, the user requests the booking server to initiate a search for a flight meeting the entered information, which is at or below the user's indicated target price (see Col. 3 lines 21-30 and 32-35). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Daughtrey to include the method of Keller in order to allow a user to book a flight based on their specified preferences, as taught in Keller Col. 3 lines 39-42 and 48-53).

28. As per Claim 17, Daughtrey teaches the method of claim 13 as described above. Daughtrey does not explicitly teach wherein the step of identifying one or more departure dates and one or more return dates includes receiving a specified departure date and a range of days preceding and/or following said specified departure date. Keller teaches, at step 105, the user may indicate whether her travel plans are flexible, such that the user may depart or return from one to three days before or after the entered travel dates. If the user's plans are flexible, the user will indicate whether the flexibility is respect to the date of departure or date of return, and will indicate the number of days either before or after the inputted date of travel. If the user is not flexible, the user will enter "not flexible" in the appropriate line on the web page (see Col. 3 lines 21-30). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Daughtrey to include wherein the step of identifying one or more departure dates and one or more return dates includes

receiving a specified departure date and a range of days preceding and/or following said specified departure date in order to allow a user to enter the level of flexibility in their plans, as taught in Keller Col. 3 lines 1-3).

29. As per Claim 18, Daughtrey teaches the method of claim 13 as described above. Daughtrey does not explicitly teach wherein the step of identifying one or more departure dates and one or more return dates includes receiving a specified return date and a range of days preceding and/or following said specified return date. Keller teaches, at step 105, the user may indicate whether her travel plans are flexible, such that the user may depart or return from one to three days before or after the entered travel dates. If the user's plans are flexible, the user will indicate whether the flexibility is respect to the date of departure or date of return, and will indicate the number of days either before or after the inputted date of travel. If the user is not flexible, the user will enter "not flexible" in the appropriate line on the web page (see Col. 3 lines 21-30). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Daughtrey to include wherein the step of identifying one or more departure dates and one or more return dates includes receiving a specified departure date and a range of days preceding and/or following said specified departure date in order to allow a user to enter the level of flexibility in their plans, as taught in Keller Col. 3 lines 1-3).

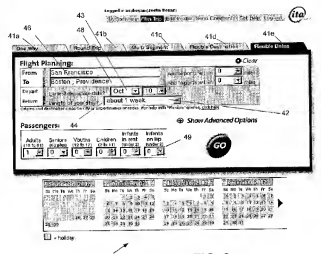
43
46
41a
48
41b
41c
41d
41e
Flight Planning
Clear
From
To
Depart
Return
Oct
10
Show Advanced Options
42
Passengers:
44
Adults
Seniors
Youths
Children
Infants in seat
Infants on lap
49
GO
+ Hotel
40

FIG. 2

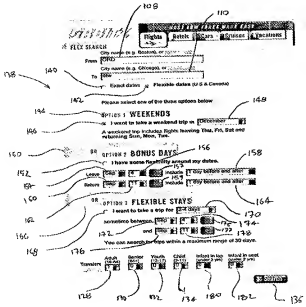

FIG. 3

(10) Response to Argument

A. Daughtrey teaches the recited claim language and Appellant is arguing the claims more narrowly than recited.

Appellant's claim 1 recites the limitation, "simultaneously providing a plurality of flexible date search options to a user". Appellant contends that Daughtrey only teaches a single flexible date search option to a user. The Examiner disagrees. Much like **Appellant's Fig. 3**, Daughtrey's Fig. 2 enables a user to enter the amount of days they want to take a trip (i.e about a week or 7 days) and a date range (earliest departure date plus the trip length) in which to take the trip. This option at the very least can be reasonably

construed as 1 option, as a user can merely enter this information and the "To" and "From" information, click "GO" and generate results. Also located on Pane 41e, is an option available in the alternative entitled "Show Advanced Options". This is denoted as a drop down menu with various choices such as "one weekend", "one long weekend" and "weekend to weekend". Clicking the "Show Advanced Options" tab would not only simultaneously **provide** a plurality of options, it would also enable a user to choose, in the alternative, to search with user specific options as described in Daughtrey para. 33.

The Examiner emphasizes the phrases " simultaneously provide" and "in the alternative" for two reasons. Firstly, Appellant's claims only require "simultaneously providing" a plurality of flexible date search options. Appellant appears to be arguing "simultaneously displaying" a plurality of flexible date search options, which is not recited by the claim language. Secondly, the emphasis on "in the alternative" is also an important delineation because, much like Daughtrey, Appellant's invention only requires the search options to be "provided" in the alternative. Appellant's Fig. 3 is displayed below.

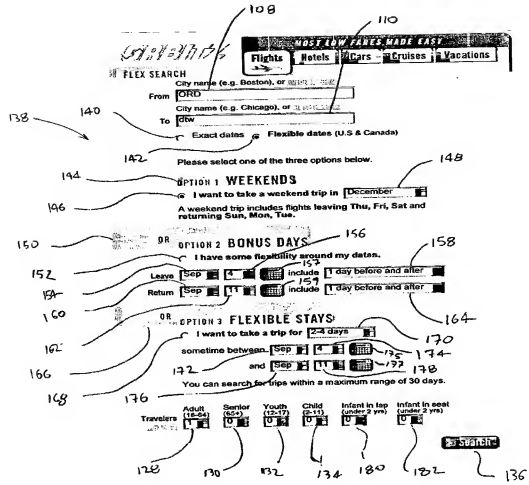

FIG. 3

A user of Appellant's system can perform flexible date searches for weekends, bonus days and flexible stays. These options are provided in the alternative only with only one button, denoted as "Search", by which to initiate the query. Daughtrey teaches a "Show Advanced Options" drop-down which permits a user to include user specific choices for a layover length such as "one-way ticket only", "one-day business trip", "two-day business trip", "one weekend", "one long weekend", "weekend to

weekend", "about one week", "about two weeks", "about three weeks", "about one month" (para. 33). Each of these layover lengths is a flexible date search option. Furthermore, like Appellant's invention, these queries are initiated by clicking a button. In Daughtrey it is the "GO" button. The sole difference between Appellant's Fig. 3 and Daughtrey's Fig. 2 is that Appellant's invention displays each and every option separately, while Daughtrey displays the options in at least two drop-down menus-("42" and in the "Show Advanced Options" tab. As demonstrated above, Daughtrey plainly teaches "simultaneously providing a plurality of flexible date search options to a user"

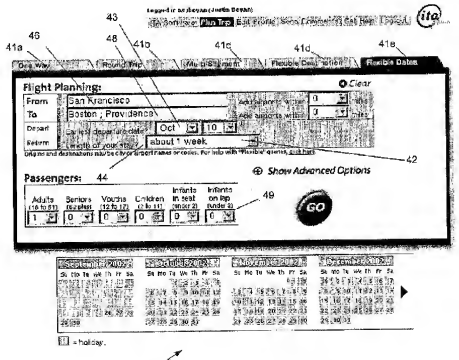

FIG. 2

B. The combination of Daughtrey and Kwoh does not teach away from the recited claim language.

Daughtrey teaches a user entering a trip date interval comprising a user entered departure date and an estimated length of stay. Daughtrey did not teach a user entering an actual return date. Kwoh was relied upon to teach this limitation. Appellant contends that while Daughtrey and Kwoh do teach the recited limitations, the combination teaches away from the claimed limitation. The Examiner disagrees. Daughtrey discloses that there are certain circumstances where this would not be ideal if there are large values in the date range (see para. 25). Daughtrey making note of this fact does not rise to the level of teaching away as asserted by Appellant. "[T]he prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed..." In re Fulton, 391 F.3d 1195, 1201,73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

C. Daughtrey in view of Kwoh teaches the recited claim language

Appellant contends that Daughtrey does not teach a user entered trip date interval. Appellant has clearly mischaracterized the teachings of Daughtrey. As described in numerous examples above, Daughtrey plainly teaches a trip date interval being entered by a user. Kwoh was later relied upon to teach entering a user departure date. Contrary to Appellant's assertions, the concept of entering user trip dates was not invented by Appellant, as demonstrated by the combination of Daughtrey and Kwoh. One of ordinary skill in the art at the time of invention would have found it very obvious and

recognized that a user entering a return date would have yielded predictable results, i.e. providing search parameters for a travel.

Appellant argues that the trip length being less than a period of time between the departure date and the return date is not an optimum range. The Examiner disagrees. Applicant's original specification as filed does demonstrated the criticality of the user entered trip length is less the trip date range date versus the departure date and the trip length being equal to the return date taught in Daughtrey in view of Kwoh; see MPEP 2144.05. With the general conditions of the claim being disclosed in the cited portions of Daughtrey and Kwoh, it is not inventive to discover the optimum or workable ranges In re Aller, 220 F.2d 454, 456, 105 USPQ 233,235 (CCPA 1955).

In response to Appellant's argument that the "GO" button only initiates a fare based on the number of adults, seniors, youths, children and infants, it is clear that when Daughtrey is read in it's entirety, clicking the "GO" button does not yield a query based solely on those parameters (see para. 33). Furthermore, the cited portions of Daughtrey have shown that contrary to Appellant's assertions, the user of the system of Daughtrey does indeed make a search option selection.

Examiner Note: Regarding Appellant's attachment of a telephone transcript from October 2008 from SPE John Hayes, the message left by SPE Hayes over two years ago was reflective of his opinion of the references and the claims at that time. The telephone message is not a reflection of the prosecution history as a whole and most importantly does not remedy the unpatentable subject matter of Appellant's invention as detailed in the Final Rejection, dated 01/19/2010 and as described above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Tonya Joseph/

Tonya Joseph

Conferees:

John Hayes, SPE 3628

/JOHN W HAYES/
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